

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JONATHAN PIERSOL,

Plaintiff,

vs.

GEORGIA BOARD OF REGENTS
OF THE UNIVERSITY SYSTEM
OF GEORGIA,

Defendant.

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Civil Action No.:

DISTRICT COURT NOTICE OF REMOVAL

**TO: The Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division**

COMES NOW Georgia Board of Regents of the University System of Georgia, Defendant in the above-styled action, by and through counsel, the Attorney General of the State of Georgia, and pursuant to 28 U.S.C. §§ 1441 and 1446, within the time prescribed by law, files this Notice of Removal. Defendant files this notice subject to and without waiving any defenses available to it under state and federal law. Defendant respectfully shows the Court as follows:

1.

On October 5, 2023, Plaintiff Jonathan Piersol filed a civil action against Defendant in the Superior Court of Fulton County, State of Georgia, said action being designated as:

**JONATHAN PIERSOL v. GEORGIA BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF GEORGIA, Superior Court of Fulton County,
Civil Action No. 2023CV386762.**

A copy of the Complaint (“Complaint”) and the General Civil and Domestic Relations Case Filing Information Form are attached hereto as Exhibit “A” and “B”.

2.

Although a summons was issued with the Complaint, on October 10, 2023, Plaintiff requested that Defendant waive service of the summons. A copy of the summons and the notice of lawsuit and request to waive service of summons are attached hereto as Exhibits “C” and “D,” respectively.

3.

On November 7, 2023, Defendant waived service of the summons. A Copy of Defendant’s waiver that was mailed to Plaintiff’s counsel is attached hereto as Exhibit “E”.

4.

In this action, Plaintiff, alleges that Defendant discriminated against him based on his disability of end stage renal disease, failed to provide him with a reasonable accommodation for his disability, and retaliated against him by terminating his employment as Vice Chancellor, Chief Information Officer for Georgia Board of Regents of the University System of Georgia after he engaged in protected activity by requesting a reasonable accommodation. (*See* Exhibit “A,” pp. 1, 8-14). Plaintiff purports to bring claims under the following laws: Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791 et seq. (the “Rehabilitation Act”); and Title II of the Americans with Disabilities Act (the “ADA”) 42 U.S.C. § 12102. (*See* Exhibit “A,” pp. 1, 8-14).

5.

Plaintiff is seeking various forms of relief, including but not limited to, available relief under the ADA and Rehabilitation Act, including declaratory relief, reinstatement or front pay, prejudgment interest, and attorney’s fees and costs. (*See* Exhibit “A,” ¶¶ 7-8, 47-48, 58-59, 67-68, 76-77, 88, 97 and “Prayer for Relief” p. 14).

6.

Plaintiff’s Complaint presents a federal question over which this Court has original subject matter jurisdiction under the provision of 28 U.S.C. § 1331, and,

accordingly, is one which may be removed to this Court pursuant to the provision of 28 U.S.C. § 1441(a).

7.

Defendant attaches hereto as Exhibit “F,” a true and accurate copy of the Superior Court Notice of Removal *to be* filed in the Superior Court of Fulton County, State of Georgia.

8.

Exhibits “A” through “F” constitute all process, pleadings, and orders, which have been or will be filed in Superior Court of Fulton County, State of Georgia or which have been or will be served by or upon Defendant.

9.

Defendant consents to and submits the removal of this action within 30 days of the date it waived service of the summons. Defendant also consents to this notice subject to and without waiving any defenses available to Defendant under state or federal law.

WHEREFORE, Defendant moves that this Notice of Removal be filed, that said action be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, so that no further proceedings may be had in said case in the Superior Court of Fulton County, State of Georgia.

Respectfully submitted, this 6th day of December, 2023.

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/s/Mary Catherine Greaber
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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2023, I caused to be served the within and foregoing **DISTRICT COURT NOTICE OF REMOVAL** on the same day as e-filing the same, by mailing the same via U.S. Mail and/or FedEx to the following attorney of record for Plaintiff:

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